



Office of Professional Standards

2020 Annual Report

Published March 12, 2020



INTRODUCTION



Chief John R. Batiste

The Office of Professional Standards (OPS) provides oversight for the agency's complaint and disciplinary procedures. OPS is supported by the Internal Affairs (IA) Section, which investigates all allegations of serious misconduct and/or serious performance allegations involving Washington State Patrol (WSP) employees. OPS ensures investigations are timely, complete and standardized discipline is imposed. OPS continues to meet the public's expectations for accountability by conducting fair and impartial administrative investigations.

OPS is comprised of one captain, one lieutenant, five detective sergeants, one civil service investigator and four professional staff. We work collaboratively with Districts and Divisions to provide accurate and timely counsel when allegations are identified, guidance throughout the administrative process, and follow-up to prevent future occurrences. This requires our entire staff be knowledgeable about all aspects of administrative investigations, enabling us to provide guidance which is meaningful, timely, and insightful. This is a critical piece of the OPS role and contribution to the agency. In addition to agency internal investigations, other local, county or state agencies can contract with OPS on a case-by-case basis for IA to conduct administrative investigations.

***We, the Office of Professional Standards, acting with integrity,
are committed to public employee accountability while respecting and
protecting the rights of all individuals.***

OPS takes a proactive approach to educating appointing authorities, managers, and supervisors regarding agency guidelines for initiating and conducting administrative investigations. Supervisors are encouraged to attend cross training with OPS where they become fully engaged in the administrative intake process, case work, and interviews. In 2020, OPS provided training to one Commercial Vehicle Enforcement Officer Basic Training Class at the WSP Academy, and one Supervisor Basic Training Class via remote platform.

OPS communicates agency standards for the completion, review and approval of Fleet Incidents/Collisions, Lost/Damaged Equipment, Uses of Force, and Pursuits/PIT (FLUPs). This prompts continual interaction between our Division and the managers, supervisors, and administrative staff in the field.

OPS employs a Research Analyst responsible for providing timely and relevant data to those we serve; identifying potential trends to mitigate risk and training opportunities to promote professionalism. This is accomplished through quarterly reports provided to the Districts/Divisions. The OPS Forms and Records Analyst completes public disclosure requests to facilitate public trust and accountability.



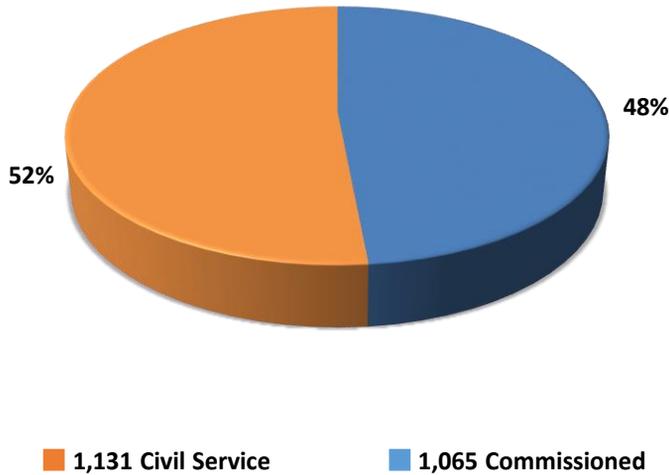
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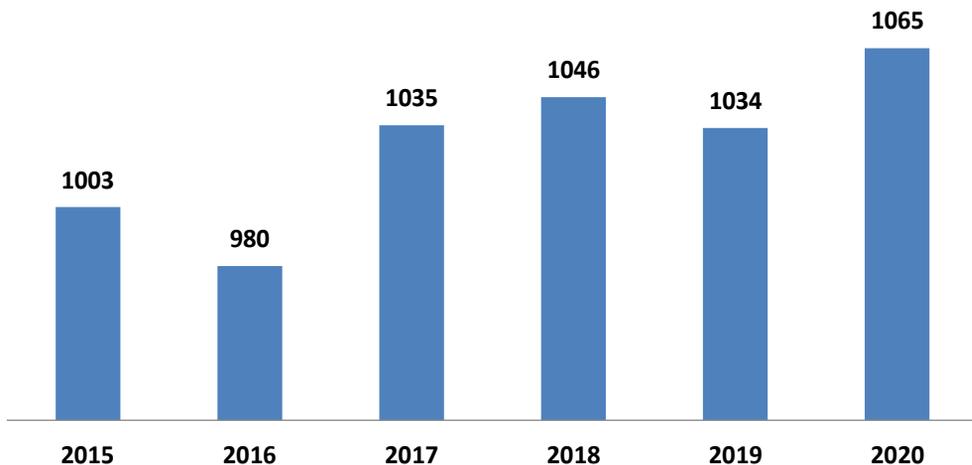
WSP STAFFING

WSP Average Total Employees - 2,196



In 2020, the agency averaged 2,196 employees. Commissioned Troopers represented 48% of this total, with 1,065 employees, and Civil Service the remaining 52% with 1,131 employees. While the commissioned employees represent less than half the workforce, they account for 88% of the total case numbers generated. Commissioned employees are responsible for all case reviews generated by pursuits and uses of force, and the greatest number of citizen complaints. Civil service case numbers generally relate to lost/damaged equipment, fleet incidents/collisions, and Minor courtesy complaints.

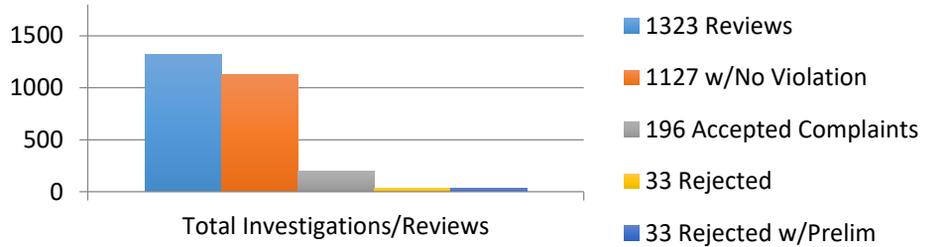
Commissioned Employees



ADMINISTRATIVE INVESTIGATIONS OVERVIEW

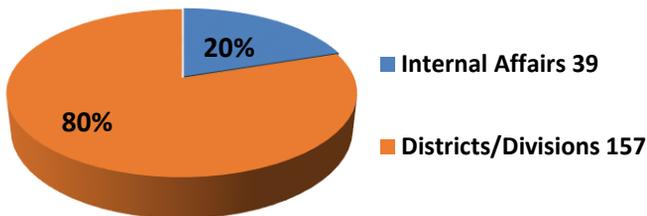
In 2020, OPS generated 1,323 case numbers prompting reviews of the actions of our employees. Of the 1,323 cases reviewed, 85% were found to be consistent with agency policy/procedure and no additional action was taken. The agency addressed a total of 256 complaints against employees. Of those complaints, 196 were investigated, 33 were rejected after a preliminary investigation, and 33 were rejected after initial review by the Appointing Authority. The 256 total complaints represent a 5% increase compared to 2019, when the agency received 243 total complaints.

85% of cases are consistent with agency policy/procedure

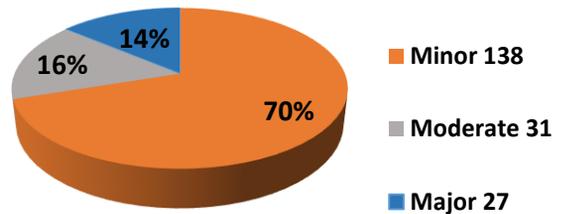


Of the 196 complaints investigated, 70% were Minor, 16% Moderate, and 14% were categorized as Major. The Districts/Divisions completed 80% of the internal investigations, OPS completed 20%. These investigations concluded with 84% resulting in proven findings. Of the sanctions imposed, 31% were written reprimands, 44% verbal reprimands, 9% employee counseling, 14% resulted in suspensions, 1% in employee separation (termination or resignation) and less than 1% was a transfer. OPS received and processed 158 Non-Investigative Matter (NIM) reports in 2020.

Investigative Responsibility



Accepted Complaints



Sanctions Imposed



A Settlement Agreement is a tool which streamlines the agency's administrative process, allowing an accused employee to acknowledge their mistake(s) and work toward an appropriate and agreed upon sanction. In 2020, OPS coordinated with District and Division Commanders to complete 27 settlement agreements, a 23% decrease from 2019. In 2020, OPS conducted 39 investigations, with 20 of those cases (51%) resulting in a settlement agreement.

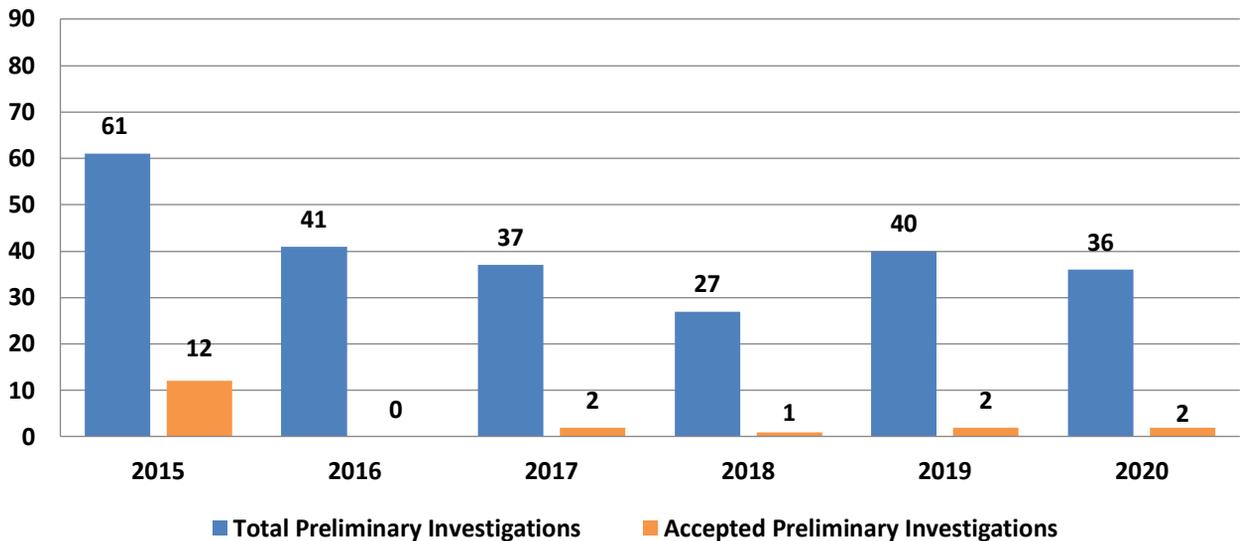


PRELIMINARY INVESTIGATIONS

The agency has the option to conduct a preliminary investigation prior to accepting a formal complaint. A preliminary investigation is used to determine if the alleged conduct involved a WSP employee and, if proven true, the conduct would be a violation of WSP regulations which would result in discipline or corrective action.

Each preliminary investigation must result in one or more of the following determinations:

- No factual information of a violation of policy exists.
- Factual information of a violation exists.
- The allegation(s) does not constitute a complaint.
- Criminal misconduct is involved



In 2020, the agency experienced a 10% decrease in the number of preliminary investigations conducted compared to 2019. Citizen complaints accounted for 14% of the preliminary investigations in 2020.



COMPLAINTS

A complaint can come from an external or internal source, and a complaint may be given in person, by telephone, email, or by letter. All complaints are referred to OPS for a thorough and impartial review, followed by an administrative investigation when appropriate. At the conclusion of an administrative investigation the complainant and employee receive letters advising them of the outcome to promote transparency and foster trust.

Complaints alleging serious misconduct or serious performance deficiencies are almost solely investigated by Internal Affairs. Other complaints, such as Moderate or Minor, are typically assigned back to the appropriate District or Division in which the allegation occurred.

Complaint categories include:

Major

Major investigations are the most serious and are generally investigated by OPS. A Major investigation is an act or omission that, if proven true, would constitute willful or wanton disregard for WSP policies and procedures.

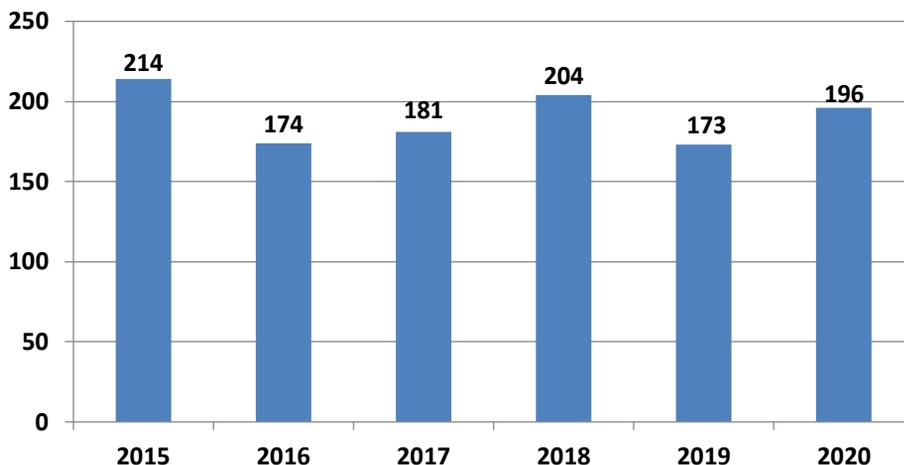
Moderate

Moderate investigations are actions or behavior by an employee in disregard of agency policies and procedures.

Minor

Minor investigations are those against agency employees that may involve perceptual differences and possible violations of agency policies, procedures, or service.

Total Cases Closed



COMPLAINTS

In 2020, OPS closed 39 of the 196 cases, which was a 9% decrease from the previous year when 43 were closed.

(CALEA 1.2.9d and 26.3.1)

DISTRICT/DIVISION MODERATE COMPLAINTS

OPS works collaboratively with the Districts and Divisions to have Moderate complaints investigated at the District/Division level. This has had an ancillary benefit of developing supervisor's skills in the agency's administrative process.

In 2020, there were 18 Moderate complaints investigated at the District or Division level, which is a 10% decrease from 2019. In 2020, OPS assumed investigative responsibility for 13 Moderate cases. Of the Moderate cases investigated by the Districts/Divisions, 33% resulted in a settlement agreement prior to the completion of the investigation.

DISTRICT/DIVISION MINOR COMPLAINTS

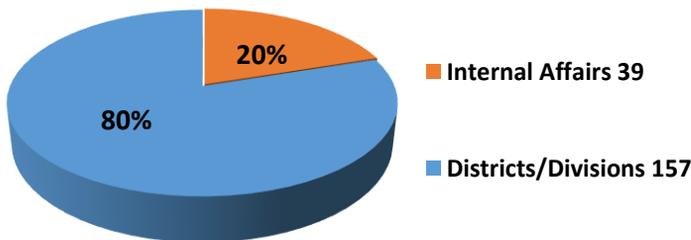
Minor complaints address allegations which, if proven true, would result in counseling or written/verbal reprimands. They are generally assigned to the Districts/Divisions for investigation. In 2020, there were 138 Minor complaints investigated at the District or Division level, 25% increase from 2019.

Minor investigations tend to be less involved, which contributes to a timely investigation and finding by the Appointing Authority. Often the allegations involve Minor collisions or courtesy complaints and are reviewed using on-scene reports and/or dash camera video if available.

(CALEA 26.2.10 and 26.3.1)

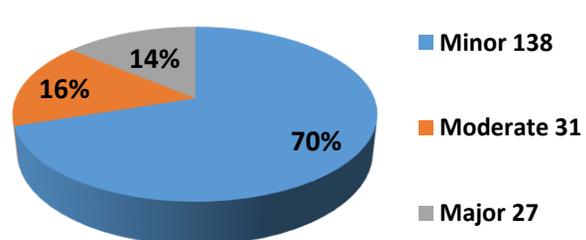
Investigative Responsibility

Total = 196



Complaint Categories

Total = 196



EARLY IDENTIFICATION SYSTEM

In the course of one's career, an employee may experience situations which affect their capacity to perform well on the job, impacting performance, attendance, or conduct. The Washington State Patrol is committed to helping employees prevent or resolve problems to promote employee wellness, contributing to the resilience of the officer, agency, and the communities we serve.

The Office of Professional Standards (OPS) provides oversight of the agency's Early Identification System (EIS), which is designed to detect and address "out-of-the-ordinary" patterns of behavior or performance issues at the earliest stage. EIS seeks to correct issues through non-punitive and timely intervention, emphasizing training and reaffirmation of agency regulations. It is a tool for supervisors and managers to address problems and render tailored assistance to the employee to correct unacceptable behavior. The following are primary elements considered for EI:

- Misconduct
- Unauthorized Use of Force
- Unauthorized Pursuits
- Serious collisions or a pattern of vehicle incidents/collisions

When an employee is identified as a candidate for EIS, the Commander will personally meet with the employee to discuss concerns. The Commander then prepares an IOC outlining the results of the discussion, the employee's response to the concerns shared, and the recommended course of action. Any action taken is communicated with OPS and included in the employee's file.

The OPS Employee History lists all proven policy violations registered against an employee, showing the date, allegation, finding, and sanction imposed. When new findings are entered into the OPS database, an Early Identification notice is generated if any of the below occurred over the previous twelve months;

- Two proven or undetermined complaints
- Two unauthorized uses of force
- Two unauthorized pursuits
- Two chargeable collisions, incidents, or lost/damaged equipment

OPS can generate a report showing all employee interventions upon request.



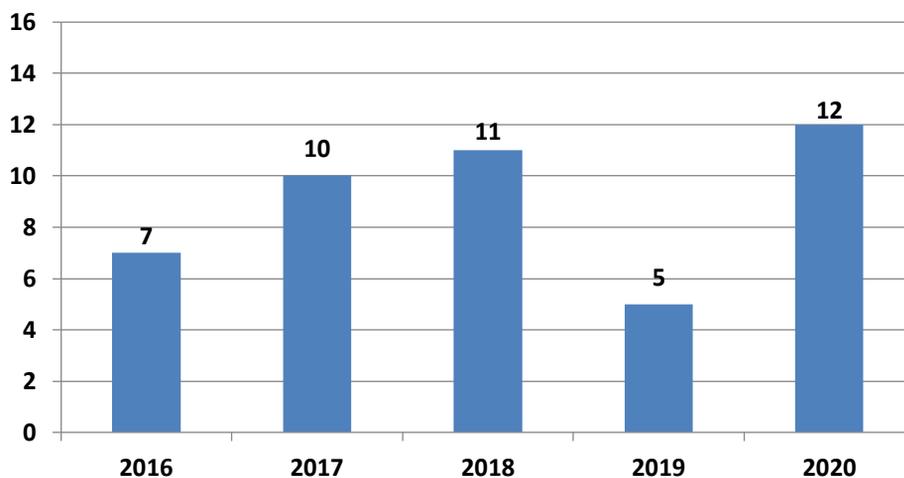
EARLY IDENTIFICATION SYSTEM

In 2020, OPS identified 12 employees for Early Intervention and notices were sent to appointing authorities for follow-up and referral. Of the 12 employees identified, seven were commissioned males, three were commissioned females, and two were civil service employees.

Ten of the early intervention behaviors were fleet incidents relating to vehicle operation. In each of these cases the employees involved were counseled. In nine of those ten incidents, employees received assessments and completed training with a driving instructor. One of the interventions pertained to the loss of equipment, and one resulted from a complaint.

(CALEA 35.1.9)

Early Identification - 5 Year Trend



OPS AND DISTRICT/DIVISION OUTCOMES

PERSONNEL ACTIONS

The focus of the administrative investigation is to protect and preserve the integrity of the community, the agency, and its employees. Determining the appropriate finding at the conclusion of an administrative investigation is critical. The finding affects not only the involved employee(s) and citizen(s), but the reputation of the agency. The conclusions made about cases in which discipline is imposed must involve careful review and analysis of the specific facts and circumstances of the incident. Each separate allegation must be individually determined.

The burden of proof in administrative investigations is a preponderance of the evidence. Preponderance of evidence is defined as evidence that is more convincing to a reasonable person than the opposing evidence (more likely than not.) This decision is based on the totality of the circumstances and the credibility of the evidence presented and does not rest solely on the number of witnesses involved. Decisions are achieved by a preponderance of the evidence adequately supported by fact to lead an ordinary, reasonable, and prudent person to reach the same conclusion after reviewing the same information.

In 2020 the agency completed 196 administrative investigations, a 13% increase from the previous year when 173 cases were closed. Of the total investigations, 162 resulted in proven findings with sanctions imposed, either via a final determination or settlement agreement. Four of the investigations resulted in missed timelines with no sanctions imposed. When the Appointing Authority administers discipline, the disciplinary matrix is consulted to determine the range of sanctions. If an investigation ends in a settlement agreement, the Appointing Authority may operate outside of the matrix.

Level	1 st Offense	2 nd Offense	3 rd Offense
Minor	Counseling Written Reprimand	Counseling Written Reprimand	Written Reprimand
Moderate	Written Reprimand – 2 Working day Suspension	1 Working day Suspension – 5 Working day Suspension	3 Working day Suspension – 10 Working day Suspension
Major	3 Working day Suspension – Termination	6 Working day Suspension – Termination	11 Working day Suspension – Termination

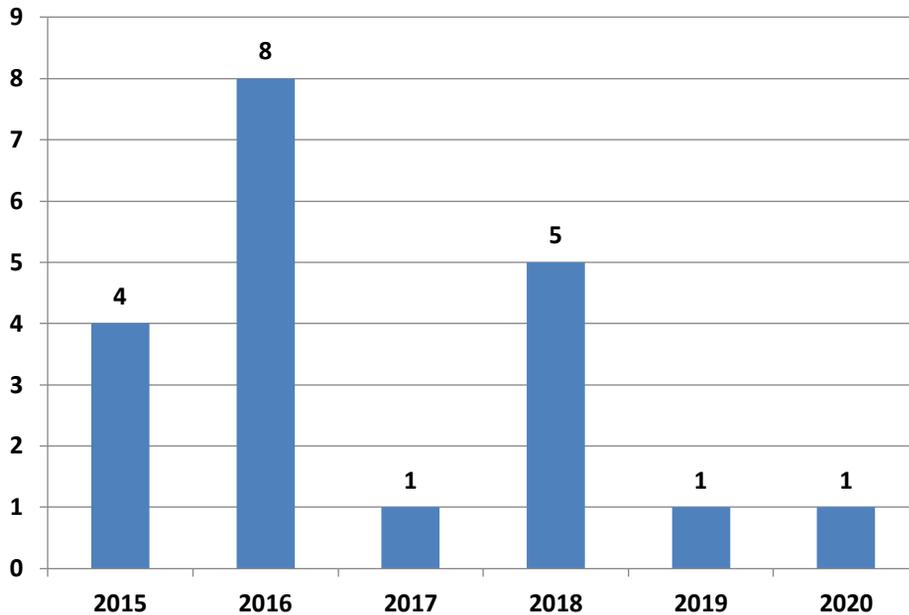
The sanctions imposed in 2020 included 12 counseling documents, 106 written/verbal reprimands, 19 suspensions (to include loss of annual leave or compensation time, or reduction in pay), one transfer, and two resignations. The discipline is reflective of the types of cases investigated, with 70% being Minor, 16% being Moderate, and 14% being Major.



OPS AND DISTRICT/DIVISION OUTCOMES

OUTSIDE AGENCY CASES

With the Chief's approval, OPS conducts administrative investigations for city, county and state agencies on a contractual basis. OPS initiates contact with the outside agency to establish the scope of the investigation, investigative authority, and timelines. The investigation begins once investigative protocols are established and a contract for services is completed.



In 2020, OPS completed one outside agency administrative investigation. Once the case is completed, it is delivered to the Appointing Authority of the outside agency. The investigator and section Commander provide a brief overview of the case to the Appointing Authority, answer any questions, and provide follow-up if requested. When the final case file is delivered to the agency, OPS involvement is complete. The Appointing Authority of the outside agency determines the finding and sanctions.



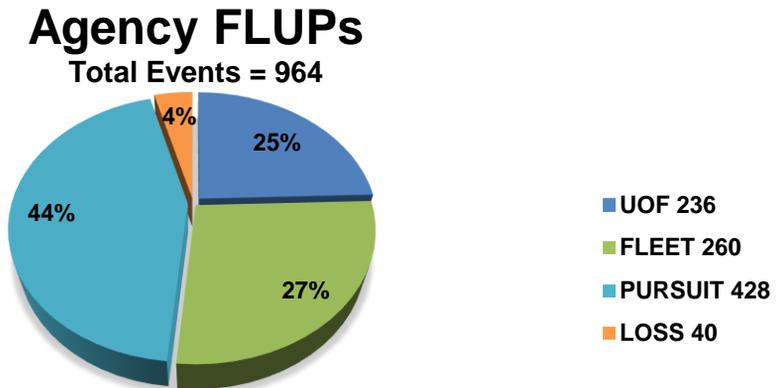
2020 OPS REVIEWS

The Administrative Investigation Manual (AIM) and WSP Regulation manual are written directives utilized by all employees of the agency. The AIM identifies processes and requirements for administrative investigations, and the regulation manual defines policy and procedure. The agency complies with the Collective Bargaining Agreements of the seven bargaining units which represent our employees.

An electronic records management system is used to complete timely and thorough reviews of all Fleet Events, Lost/Damaged Equipment, Use of Force, and Pursuits (FLUPs). This system aids reviewers in identifying violations of policy, training opportunities, individual/agency successes, and ensures equity when corrective measures are taken. It is also used to compile statistical data which is analyzed and reported to the District/Division Commanders to identify trends and mitigate risk.

When a potential policy violation is identified, the supervisor conducts an initial review of the incident and notifies their chain of command. If appropriate, the District/Division will complete an Internal Incident Report (IIR) to begin the administrative process.

In 2020, there were 964 events, resulting in 1,323 FLUPs. Multiple employees may be involved in one event, and the FLUP process ensures the actions of each employee are reviewed for compliance with policy and expectations. It was determined employees acted within policy in 87% of the FLUPS reviewed. The 1,323 FLUPS generated in 2020 was a .5% decrease compared to 2019, when there were 1,326 FLUPS.



Employees with less than 5 years tenure led the agency in all 5 complaints and FLUP categories above. This group represents 28% of all commissioned employees and is the largest tenured group in the agency. This may be attributed to the enthusiasm which accompanies the early years in one's profession, combined with the limited involvement in specialty assignments which senior officers are often tasked with.

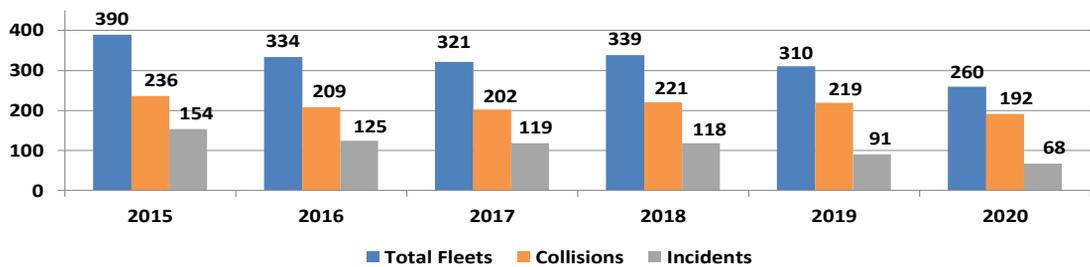


FLEET COLLISIONS AND INCIDENTS

Fleet events consist of collisions and incidents. An incident can be defined as damage done to an agency vehicle by natural disaster, damage by road hazard, non-collision push bar damage (either vehicle), prisoners, non-collision dents/scratches by a known or unknown source, or vandalism. A collision is damage done to an agency vehicle in any way other than described as an incident.

A fleet investigation will occur when any agency vehicle is damaged as a result of an incident or collision. If a supervisor determines the employee may have violated policy, an Internal Incident Report shall be completed by the employee's supervisor after consultation with the District/Division Commander. Upon completion of the administrative investigation, the Appointing Authority will determine if the employee is at fault.

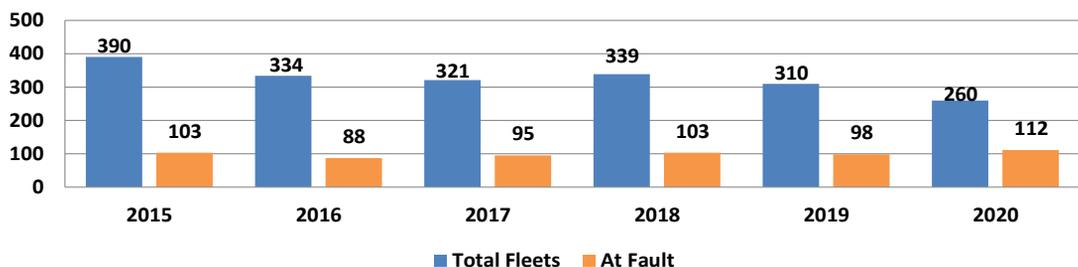
Fleet Collisions/Incidents



In 2020, there were 260 fleet events which was a 16% decrease compared to 310 in 2019. Overall fleet incidents decreased from 91 in 2019 to 68 in 2020. However, fleet collisions decreased 12% from 219 in 2019, to 192 in 2020.

Discipline was administered when Appointing Authorities determined a policy violation occurred. Of the 260 total fleet events in 2020, 112 (31%) were determined to be in violation of department policy. This number is comparable to 2019 statistics where 98 (32%) of the 310 total fleet events were found to be policy violations. Of the 192 collisions in 2020, 119 were found to have proven policy violations, with the most common being improper backing.

Fleet Events - At Fault



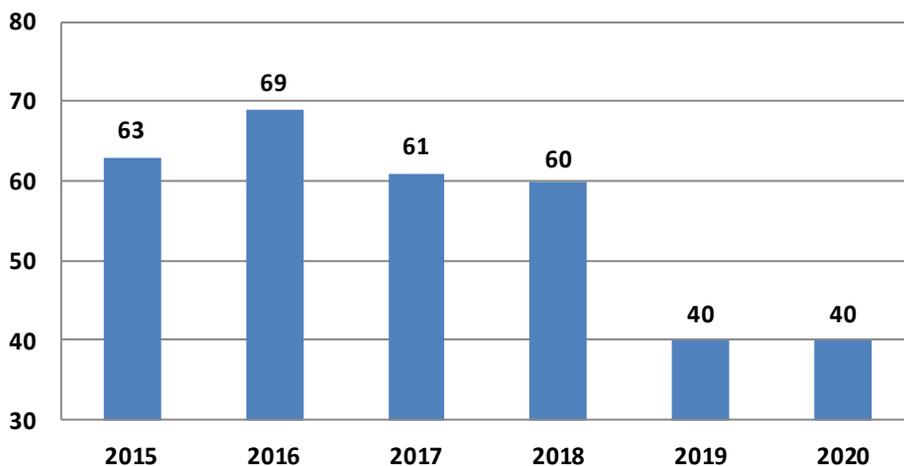
Training was a consistent component for employees involved in a collision with a proven policy violation. This training was completed at the academy or through the employee's local Emergency Vehicle Operators Course (EVOC) instructor and was in addition to standard in-service training for commissioned personnel.



LOSS/DAMAGE OF EQUIPMENT

A supervisor is notified when agency equipment or property is either damaged or lost, which results in a review of the incident to determine if a policy violation occurred.

Loss/Damage



In 2020, the loss or damage of equipment was equal when compared to 2019. Of the 40 items identified as lost or damaged in 2020, 43% were found to be a proven policy violations, whereas in 2019, 33% were determined to be proven.

Of all items lost or damaged throughout the year, the badge was lost or damaged the most followed by lost or damaged department issued cell phones.



USE OF FORCE

The Washington State Patrol consistently reviews all use of force incidents for the benefit of the public and our employees. Use of force is defined as *"Power dynamically considered, that is, in motion or in action; constraining power, compulsion; strength directed at an end. Force may be applied through the use of a person's body, weapons, equipment, and/or other instruments."* Only reasonable force to lawfully perform an officer's duties shall be used.

Reportable uses of force include:

- Physical take-downs, leg sweeps, or any technique which forcibly requires the subject to end up on the ground from means other than his/her own.
- Restraint Strap, if used to overcome combative resistance or aggression.
- Use of OC-10.
- Use of the Taser.
- Striking with hand/fist or foot.
- Any use of an impact tool, whether designed for that function or not.
- Neck restraint hold.
- Any action that results in a complaint of injury and/or any form of visible injury to a subject.
- Use of the Pursuit Immobilization Technique at 40 miles per hour or higher.
- Use of a vehicle in an act of intentional intervention.
- Use of any firearm, including unintentional discharge.

When a use of force incident occurs, the supervisor investigates the incident and documents their findings in the Use of Force electronic FLUP. The completed FLUP is forwarded through the District/Division chain of command for review and approval. Any potential policy violations result in an Internal Incident Report, prompting an administrative investigation. If no policy violations are identified, the FLUP is forwarded to OPS where two additional reviews are completed before the case is closed. The WSP Criminal Investigation Division (CID) oversees investigations involving a lethal Use of Force, and /or force used which may involve criminal conduct.

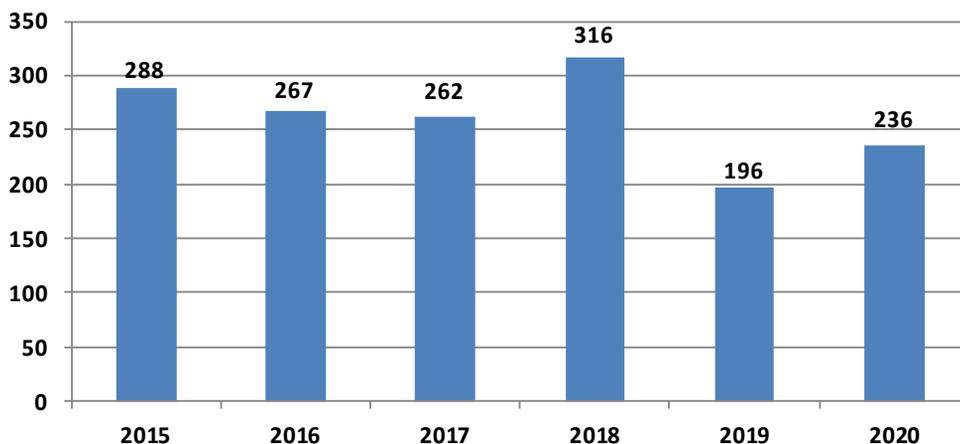
In 2020, WSP Troopers used force to gain compliance during 236 arrests, which is a 20% increase compared to 2020, when there were 196 arrests with force applied, and 10% below the average of 261 in the previous five years.

In 2020, 77 uses of force resulted in injuries to officers. White male officers accounted for 77% of these uses of force; 13% involved female officers; and 15% involved non-white officers. Seven uses of force resulted in non-fatal injuries to subjects. All seven injuries were sustained by white males. The average age of any person sustaining an injury, including officers, was 35 years old. Self initiated contacts and calls for service accounted for over 80% of these uses of force.



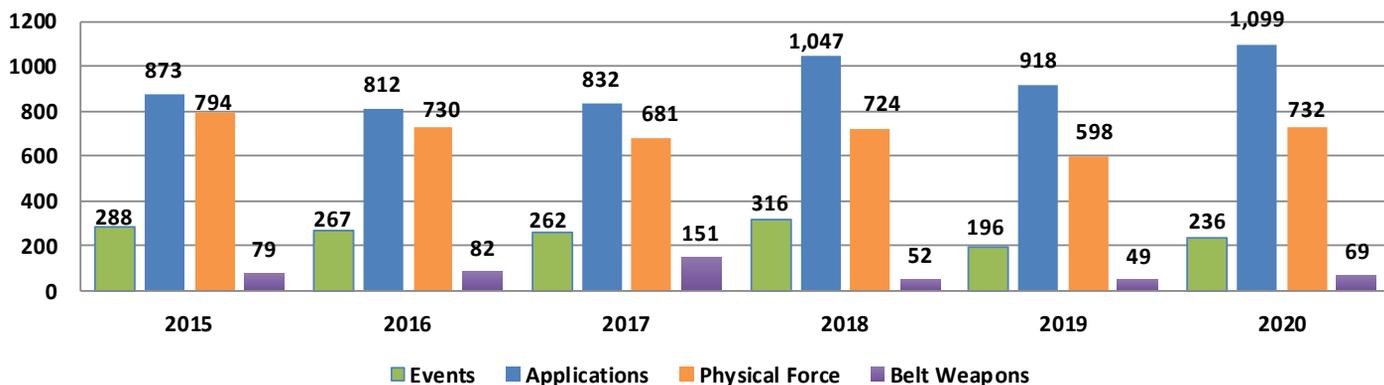
USE OF FORCE

Use of Force - Arrests



One event may involve multiple officers and/or multiple applications of force, such as a Taser application, followed by joint manipulation and handcuffing. When multiple officers are involved, the actions of each officer and each application of force are reviewed for compliance with policy, procedure and training.

Use of Force - Breakdown



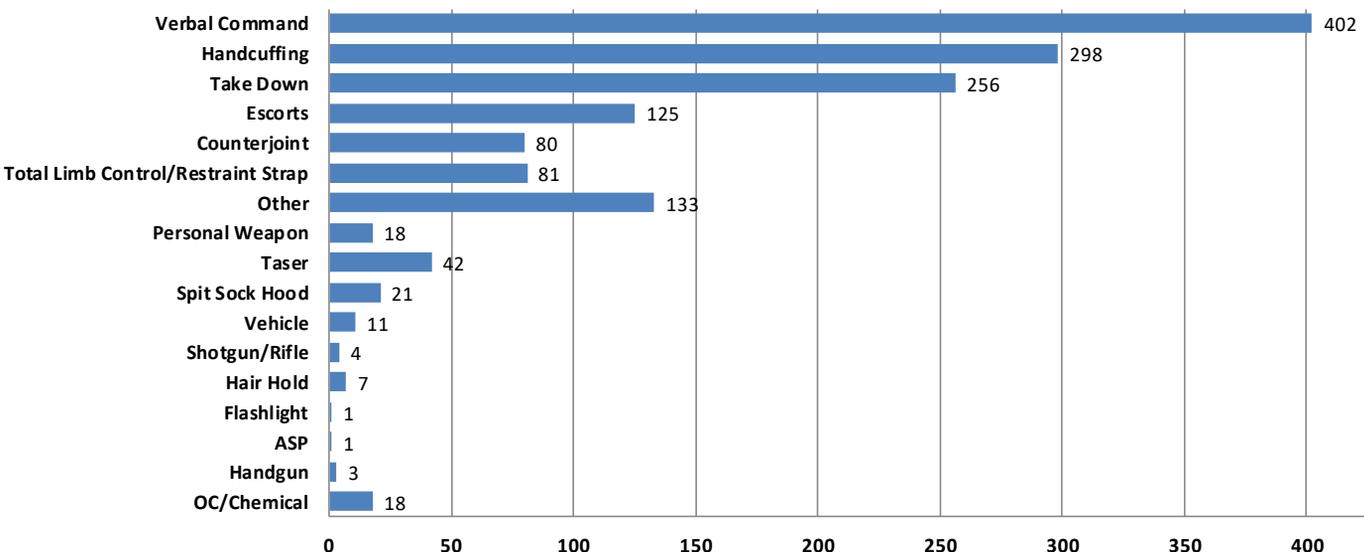
The “Physical Force” line applies to the application of bodily force to gain compliance, which includes the use of handcuffs/restraints *only* when a complaint of injury is made by the subject. The “Belt Weapons” line accounts for every other tool available to the officer, such as the ASP, Taser, flashlight and OC spray.



USE OF FORCE

The 1,099 applications of force in 2020 is a 18% increase over the 5 year average, and a 20% increase compared to 2019 when there were 918 applications of force. Of the arrests with force applied, 67% involved only physical force, while 6% involved belt weapons. The remaining 27% is undefined and the result of improper and/or inaccurate coding. The coding process, to include available options when completing a FLUP, will be evaluated to identify opportunities for improvement. The demographics for individuals involved in these uses of force were 56% White; 12% Black non-Hispanic; 13% Hispanic-Latino; and 19% Other, which includes Asian, Pacific Islander, Native American, and East Indian. Over 50% of the uses of force occurred in January, March, May, and December. Approximately 70% occurred between 4:00 p.m. and 4:00 a.m.

2020 Use of Force Tools Deployed



There were three less lethal shotgun deployments in 2020, which accounted for the three shotgun/rifle applications indicated above. All five deployments involved non-compliant individuals. One occurred following a pursuit, one involved an individual who refused to comply to the troopers verbal commands, and one occurred in conjunction with the use of lethal force by an allied law enforcement agency.

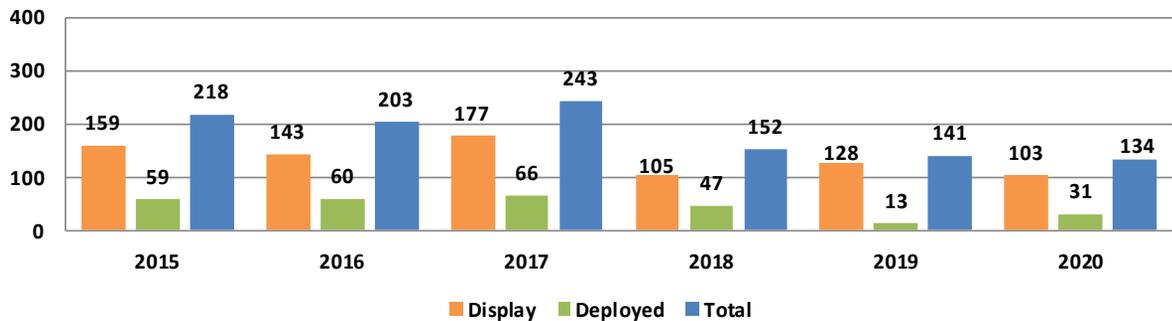
Commissioned officers participate in Crisis Intervention Training (CIT), which educates them on tools and resources available to them when responding to individuals experiencing emotional, mental, physical, behavioral, or chemical dependency crisis, distress, or other problems. CIT is designed to increase the safety of both law enforcement and individuals in crisis, and the WSP is nearing 100% compliance with the training requirement.



USE OF FORCE

In 2020, the most commonly used methods of physical force applied were take downs, escorts, counterjoints and total limb control. The most commonly used belt weapon was the Taser. In 2020, Taser probe deployment increased 56% compared to 2019, when there were 27 deployments. Taser display decreased 20%. Taser display was an effective means of gaining compliance 77% of the time.

Taser



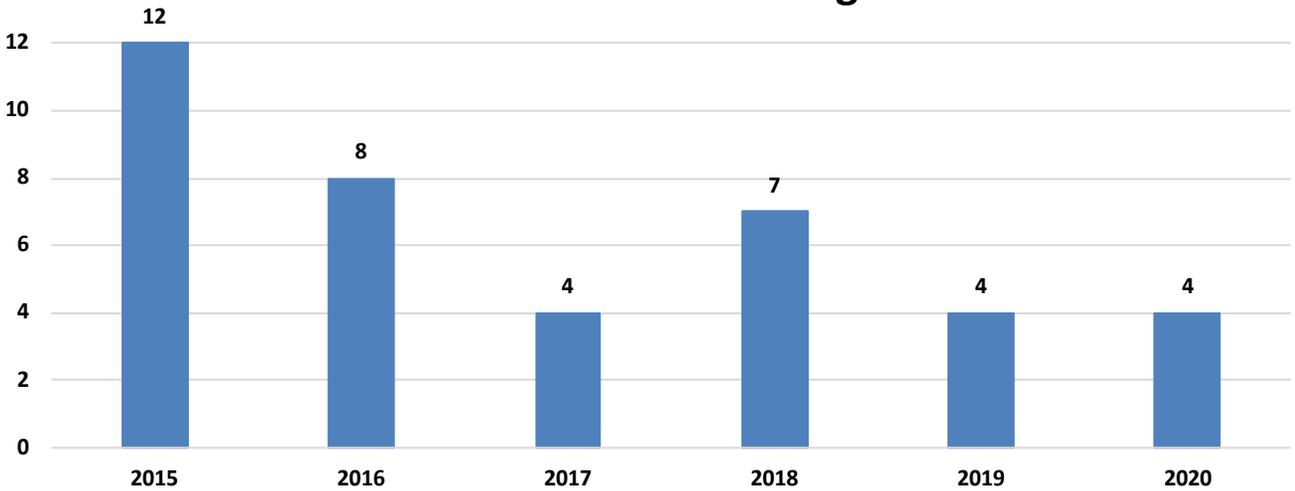
In 2020, all uses of force involving a Taser application on a fleeing subject were authorized. Unauthorized uses of force result in discipline, training with the employee, and a review of the training curriculum. Training is guided by Graham vs. Connor and emphasizes the importance of considering the totality of the circumstances before deploying the Taser. It was determined no training revisions were required.



UNINTENTIONAL DISCHARGE

When an officer discharges a firearm or Taser, except for target practice, qualification shooting, sporting events, or ballistic examinations, the officer is required to notify their immediate supervisor. The supervisor initiates an investigation, notifying the Criminal Investigation Division when the incident involves death, serious injury or there is a need for investigative expertise beyond the supervisor's capabilities. The administrative investigation process is followed when a potential policy violation is identified. All unintentional discharges result in retraining with the involved employee, and a review of the incident by the District/Division Commander, OPS and the Training Division.

Unintentional Discharges



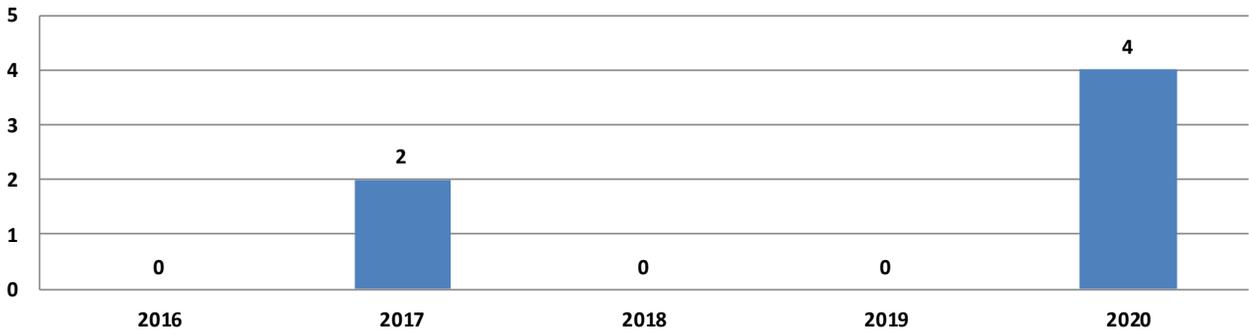
In 2020, four unintentional discharges occurred, 29% less than the five year average. Two of the four unintentional discharges involved the Taser, with one occurring during Taser function checks, one occurring when an employee unintentionally discharged it as his residence. One of the two discharges of a less-than-lethal shotgun occurred when an employee was securing his issued firearm at his residence, the other occurred when an employee was trying to holster her weapon. No individuals were hurt in any of these events.



USE OF LETHAL FORCE

When an incident involves death, serious injury, the use of lethal force, or an alleged use of lethal force, the District/Division Commander requests the assistance of the Criminal Investigative Division who will serve as the liaison between the WSP and the investigating agency and/or entity with jurisdiction. The OPS Commander will be contacted to discuss the administrative process. If a potential policy violation is identified, an administrative investigation will not typically be initiated until the conclusion of the criminal investigation and receipt of a charging decline from the prosecutor.

Lethal Uses of Force - Firearm

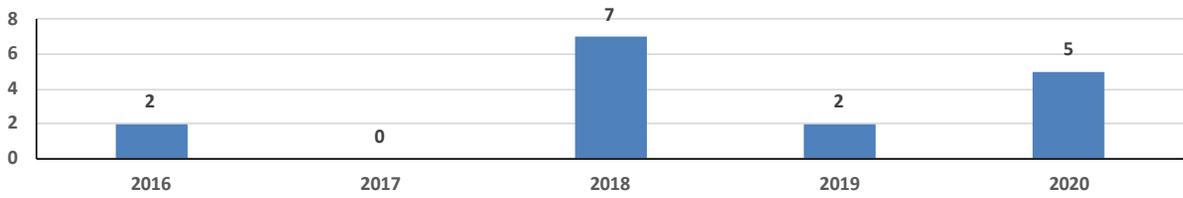


Over the previous five years, the WSP has averaged two lethal uses of force per year. In 2020, there were three lethal uses of force involving a firearm. These uses of lethal force are indicated in the data for 2020 due to the closed dates. In 2020, there was one incident of lethal use of force. This incident occurred when a trooper contacted a pedestrian who drew a handgun and fired several rounds towards the trooper. The suspect sustained non-life threatening injuries. This use of lethal force was found to be justified following a criminal and administrative review.



USE OF LETHAL FORCE

Use of Force - Intentional Interventions



Intentional intervention (ramming) of a vehicle is the deliberate act of hitting another vehicle with a patrol vehicle(s) for the purpose of functionally damaging or forcing the other vehicle off the road. Intentional intervention is considered use of lethal force by our policy. It is used to effect an apprehension only as a last resort and only when the officer knows or has reasonable grounds to believe the occupant(s) has committed or is attempting to commit a crime that poses a threat of death or serious bodily injury.

In 2020, five intentional interventions were attempted **and both involved vehicles traveling the wrong direction on Interstate roadways. One of the incidents resulted in no contact with the suspect vehicle.**

The WSP will continue to track, monitor and analyze use of force reports to address violations of policy, improve training, and identify trends to protect the public and our employees.

(CALEA 4.2.1, 4.2.2 and 4.2.4)



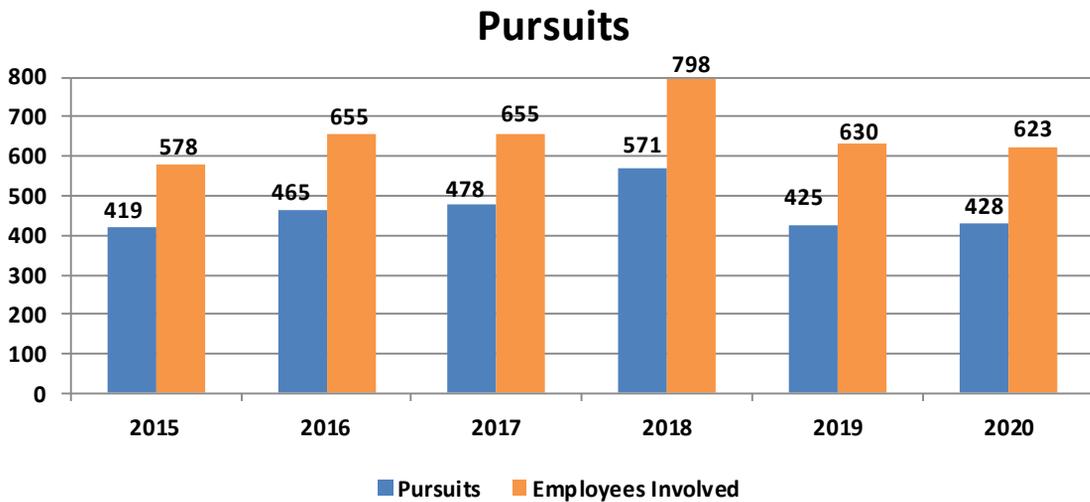
PURSUIITS

After a pursuit or an application of a Pursuit Immobilization Technique (PIT), to include roadblocks or forcible stops, department policy mandates that a supervisor conduct a thorough review to determine compliance with policy and training. If the pursuit/PIT results in a collision, a supervisor shall respond. If the collision involves Moderate to severe injury, a supervisor shall request a Criminal Investigation Division response to help assist with the collision investigation.

In those instances where a pursuit/PIT crosses District boundaries, a determination shall be made by the respective District Commanders whether joint reporting or single District reporting will occur. In the case of allied agency involvement, a determination will be made by the District Commander, in consultation with the OPS Commander, to determine the proper reporting procedure.

If the investigation reveals there is no policy violation, the supervisor then completes the Pursuit FLUP and a supervisor case log. The FLUP is forwarded through the chain of command to the District/Division Commander for review and approval.

OPS staff reviews all FLUPs to ensure they are complete and works with the appropriate District/Division to satisfy any discrepancies found. The final review is then completed by the OPS Commander to ensure concurrence with the Appointing Authority's findings.



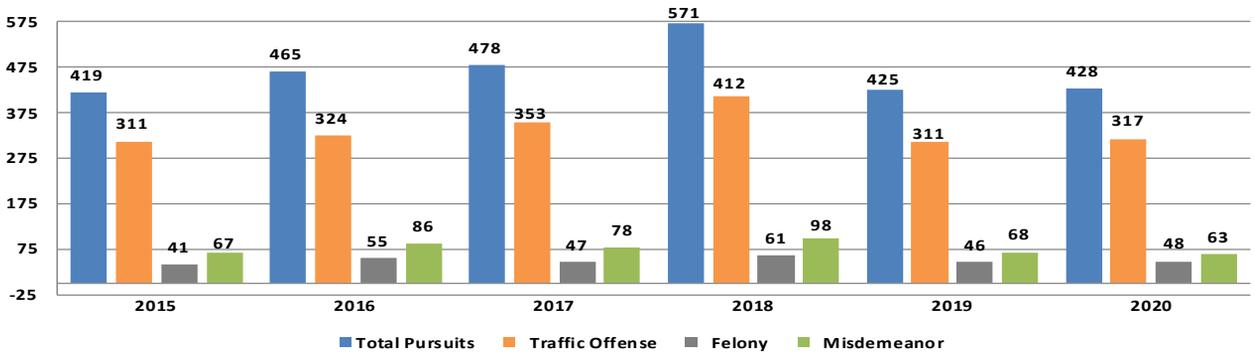
In 2020, 623 officers were involved in 428 total pursuits, which is a 7% decrease compared to the average of the previous five years. There was one unauthorized pursuit in 2020, compared to zero unauthorized pursuits in 2019.

During the review process, appointing authorities may determine specific procedures were not followed, even if the pursuit was authorized. Examples of this include improper driving protocols, inconsistent utilization of emergency equipment, or inadequate communications. Upon these findings, additional training is given to the employee. The percentage of authorized pursuits with procedures not followed increased slightly over the past two years with 16% in 2019 and 19% in 2018.



PURSUIITS

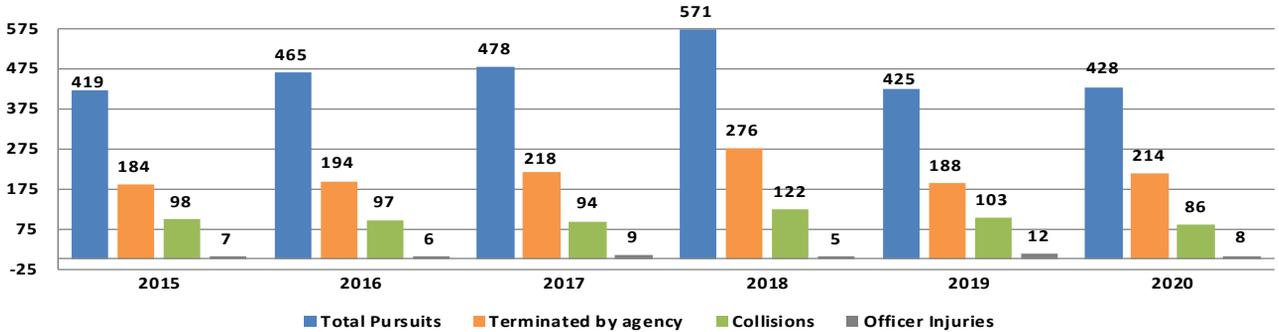
Reason for Pursuit



In 2020, the average pursuit lasted approximately 7.53 minutes which was a decrease from 11.87 minutes in 2019. In 2020, 86% of the pursuits occurred between the hours of 6:00 p.m. and 6:00 a.m. which is a 5% decrease from 2019.

Traffic offenses continued to be the primary reason for initiating a pursuit. Misdemeanor crimes were the second highest reason a pursuit was initiated, followed by felonious crimes. This account remained consistent with the average of the previous five years for each offense category. Stolen vehicles were involved in 30 of the pursuits during 2020, which was a 20% increase from 2019.

Pursuit Outcomes



The number of suspects apprehended at the conclusion of the pursuit decreased 11% compared to 2019. The total number of pursuits terminated increased 14% in 2020 compared to the previous year, and they increased by 1% compared to the average of the previous five years. Employee awareness of the high liability and the risks associated with pursuits contributed to termination decisions.

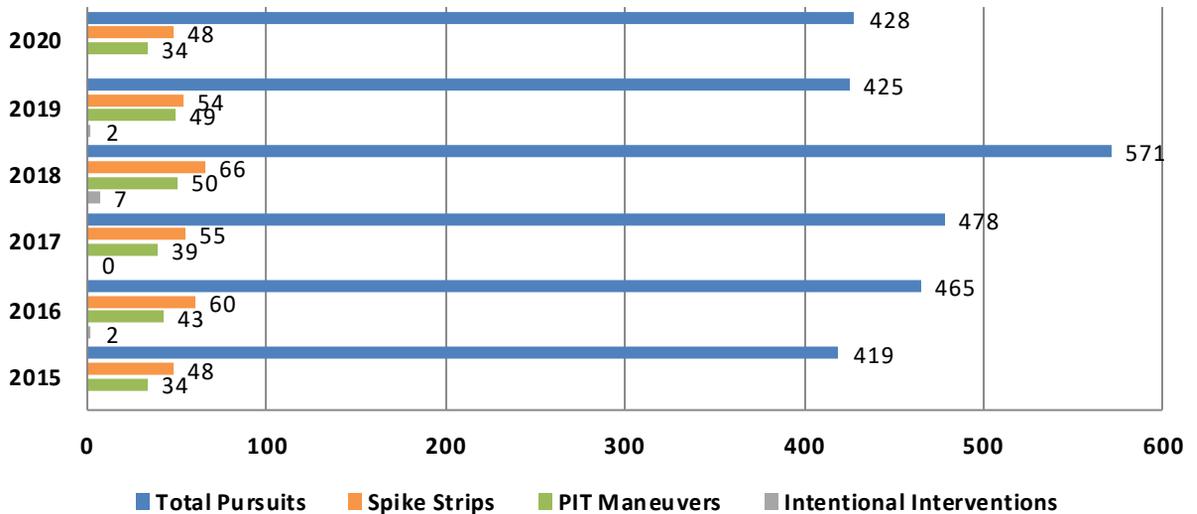
Pursuits involving a collision in 2020 decreased 17%. The number of pursuits resulting in officer injuries decreased 33% compared to 2019 data and remained the same compared to the five-year average. Officers sustained 12% of the total number of injuries with 70% of the injuries identified for the suspects and 18% for third parties. The breakdown of injuries is consistent with the average of the previous five years.



PURSUIITS

The WSP authorizes four methods of a forcible stop: intentional intervention, roadblocks, hollow spike strips, and the Pursuit Immobilization Technique (PIT). Hollow spike strips continued to be the most utilized method of forcible stop used in 2020, and decreased 13% compared to the average of the previous five years. PIT decreased 19% when compared to the average of the previous five years and there were **two** intentional interventions in 2020.

Methods of Forcible Stopping



Officers continue to receive ongoing training regarding pursuits. A Job Performance Appraisal (JPA) Quiz is completed annually to review officers' knowledge of applicable laws, policies, and procedures. Within the quiz are questions to gauge an officer's knowledge and understanding of pursuit requirements.

(CALEA 41.2.3e , and 41.2.21)

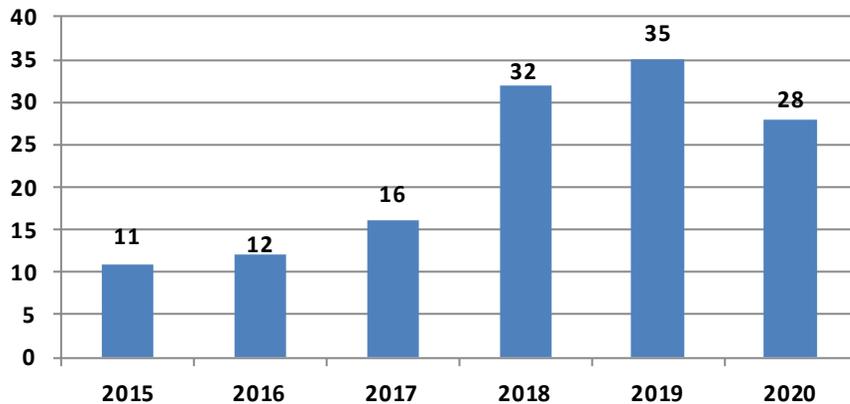


BIASED BASED POLICING

The WSP is committed to reviewing and/or investigating all allegations of Biased Based Policing. OPS ensures appropriate corrective measures are taken when an investigation results in a proven finding. This process includes a comprehensive review of the completed investigation by the Appointing Authority and the OPS Commander.

WSP Regulation 8.00.260 Unbiased Policing references biased based profiling to initiate traffic stops and other field contacts. WSP Regulations 8.00.250 Code of Ethics - Officers (C) Performance of Duties and 8.00.240 Code of Ethics – Employees (B) Performance of the Duties references biased based policing after the initial stop and/or during a field contact. The WSP began examining both regulations on the same level of review. The following chart reflects combined data pulled from these policies.

Allegations of Biased Based Policing



In 2020, the WSP received twelve biased based policing allegations, which if proven true, would constitute a violation of policy. There were no proven findings of this policy in 2020.

Following is a summary of the allegations and the findings of administrative investigations involving 8.00.260 Unbiased Policing:

- *It is alleged that on February 7, 2020, Trooper stopped the complainant due to her race. – Rejected following a review of the contact.*
- *It is alleged CVEO1 racially profiled a Commercial Motor Vehicle driver when he stopped the truck and completed an inspection, placing the driver out of service. – Rejected following a preliminary investigation.*
- *It is alleged the trooper only stopped to investigate a possible stolen vehicle because the occupants/owner of the vehicle were black. – Rejected following a review of the contact.*



BIASED BASED POLICING

- *It is alleged trooper only stopped to investigate a possible stolen vehicle because the occupants/owner of the vehicle were black. – Rejected following a review of the contact.*
- *It is alleged the trooper conducted a traffic stop based on the race of the driver and his passengers. It is further alleged the trooper was discourteous during his contact with the complainant. – Rejected following a preliminary investigation.*
- *It is alleged that Trooper stopped the complainant because of her race. It is further alleged, Trooper yelled at the complainant and treated her in a threatening and aggressive manner because of her race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper was rude and used racially inappropriate comments during an arrest. It is further alleged Trooper made an unlawful arrest and search, and stole the suspect's wallet after the arrest. – Rejected following a preliminary investigation.*
- *It is alleged, Trooper stopped, arrested, and used excessive force because of the complainant's race. – Rejected following a preliminary investigation.*
- *It is alleged, while on a traffic stop on 07/02/2020, at approximately 1800 hours, Trooper acted in a discriminative and harassing manner toward the driver of the vehicle he stopped, and her passenger. – Rejected following a review of the contact.*
- *It is alleged that Sergeant racially profiled complainant in performing a traffic stop treating him differently because of his skin color. It is also alleged that Sergeant was rude and yelled at him in a discourteous manner. – Rejected following a review of the contact.*
- *It is alleged that on August 1st, 2020 at 1702 hours, the Trooper stopped the violator because of his race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper Cadet conducted a traffic stop based on the driver's race instead of the stated traffic offenses (left hand violation and no front license plate). – Rejected following a review of the contact.*



BIASED BASED POLICING

In 2020, the WSP received sixteen Code of Ethics - Officer (C) Performance of Duties allegations, which if proven true, would constitute a violation of policy. There were no proven findings of this policy in 2020.

Following is a summary of the allegations and the findings of administrative investigations involving 8.00.250 Code of Ethics – Officer (C) Performance of Duties:

- *It is alleged Trooper failed to conduct an impartial investigation due to the complainant's race. – Rejected following a preliminary investigation.*
- *It is alleged that on February 7, 2020, Trooper stopped the complainant due to her race. – Rejected following review of the contact.*
- *It is alleged Trooper used the race of a DUI suspect to influence his decision to make an arrest. It is further alleged Trooper caused injury to the suspect with the application of handcuffs. – Rejected following a preliminary investigation.*
- *It is alleged that Trooper stopped the complainant because of her race. It is further alleged, Trooper yelled at the complainant and treated her in a threatening and aggressive manner because of her race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper treated the complainant's daughter differently during a traffic stop because of her race. – Rejected following a preliminary investigation.*
- *It is alleged the Trooper made a collision enforcement decision based on the race of the violator. – Rejected following a preliminary investigation.*
- *It is alleged Trooper was untruthful in his verbal communication with the complainant and/or when authoring affidavits pertaining to the arrest. It is further alleged the trooper used excessive force by slamming his patrol vehicle door into the complainant's head and shoulder. It is also alleged the complainant was arrested without legal authority. It is further alleged the trooper acted in this manner because the complainant was black. – Rejected following a review of the conduct.*
- *It is alleged, Sergeant was untruthful in a DUI report of investigation. It is further alleged, Sergeant used excessive force and offensive language. It is also alleged, Sergeant acted in this manner towards the complainant's daughter because of the color of her skin. – Rejected following a preliminary investigation.*
- *It is alleged, Trooper stopped, arrested, and used excessive force because of the complainant's race. – Rejected following a preliminary investigation.*



BIASED BASED POLICING

- *It is alleged Trooper was rude to the complainant during a collision investigation. It is further alleged, Trooper acted in this manner towards the complainant because of her race. – Rejected following a preliminary investigation.*
- *It is alleged, Trooper improperly stopped and detained the complainant. It is further alleged, Trooper made inappropriate comments about the complainant's race and threatened to use force. – Rejected following a review of the contact.*
- *It is alleged, that the trooper made an arrest for Driving under the Influence and Driving while Suspended 3rd based on the subject's race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper arrested the complainant and treated her differently because of her race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper arrested complainant because he stated he was coming from a Black Lives Matter protest. – Rejected following a review of the contact.*
- *It is alleged Corporal made inappropriate comments towards the complainant and motioned as if he were going to draw his weapon. It is further alleged Corporal's comments and actions were unacceptable because of the complainant's race. – Allegation Unfounded after an Administrative Investigation.*
- *It is alleged, during a DUI arrest, Trooper used excessive force, was discourteous, and/or treated the complainant differently because of her race. It is further alleged Trooper failed to notify his supervisor after having been involved in a reportable use of force. – Case still under investigation, no finding at this time.*

The WSP did not receive any allegations involving 8.00.240 Code of Ethics – Employees (B) Performance of the Duties in 2020.

(CALEA 1.2.9 c)



CHANGES TO ADMINISTRATIVE REVIEW PROCESS/POLICIES

The agency conducts a Strategic Advancement Forum (SAF) on a bi-monthly basis. This is a public forum where Commanders present their efforts and activities supporting the WSP Strategic Plan. The OPS presentation provides statistical data and historic/emerging trends relating to the agency's functions. The SAF elicits input from all Commanders, Assistant Chiefs, Bureau Directors, and the Chief while providing an opportunity to identify process improvements, training needs, and policy/regulation changes. OPS presented the following topics during SAF in 2020:

- Just Cause training provided to OPS by the Attorney General's office
- Providing accurate and updated data for the Annual Report and CALEA
- OPS staff teleworking successes, challenges, and lessons learned
- OPS cross-training program in a virtual environment
- OPS provided Supervisor Basic training in a virtual environment
- Duty to Intervene policy
- Providing Timely and Relevant Data to the Districts/Divisions

OPS is committed to providing strong leadership and resources to foster a safe, ethical, innovative, knowledgeable, and diverse workforce. Continual analysis of agency practices is a direct reflection of this commitment. OPS completes an annual review of our investigative processes involving citizen complaints, biased based policing, fleet incidents, uses of force, pursuits/PITs, and lost or damaged equipment.

The WSP's investigative process is standardized and clearly detailed in the Administrative Investigation Manual (AIM). In 2017, the AIM underwent a complete revision which addressed best practices, collective bargaining agreement provisions, an update of all investigative documents and forms, hyperlinks to investigative tutorials, and the agency's move to a completely electronic complaint process. The revised AIM was approved and published to our agency's internal website.



CHANGES TO ADMINISTRATIVE REVIEW PROCESS/POLICIES

Throughout each year OPS identifies and recommends modifications of regulations in order to comply with emerging case laws, reconcile inconsistent practices, or address newly identified patterns of misconduct. During 2020, OPS reviewed, and when appropriate, requested updates on the following agency regulations:

- 8.00.100 Requests for Assistance
- 8.00.110 Unsatisfactory Performance
- 8.00.120 Insubordination
- 8.00.130 Conflicting or Illegal Orders
- 8.00.140 Forwarding Necessary Information
- 8.00.200 Payment of Debts
- 8.00.230 Police Activity
- 8.00.240 Code of Ethics - Employees

OPS conducts bi-weekly briefings with the Executive Staff (Assistant Chiefs, Bureau Directors, Labor and Policy Advisor, Human Resources Commander) on all complaints being investigated by OPS and cases which involve potential impeachment material. These briefings are designed to provide a forum for Agency Executives to receive a case status report, discuss the investigation, and address procedural issues, training needs, risk mitigation, and discipline.

(CALEA 1.2.9d and 26.2.5)



CLOSING

A relationship of trust and confidence between employees and the communities they serve is essential to effective law enforcement. OPS will continue to meet the public's expectations for accountability by conducting fair and impartial administrative investigations. We will work collaboratively with Districts and Divisions to provide accurate and timely counsel when allegations are identified, guidance throughout the administrative process, and follow-up to mitigate future occurrences.



APPENDIX

Appointing Authority

Designated by the Chief, the person given the authority to review and adjudicated administrative investigations and take disciplinary action on employees.

Complaints

Complaints involve reports of alleged employee misconduct that violates WSP regulations. Examples might include a citizen's courtesy complaint or an employee's insubordination to a supervisor. These complaints do not include fleet (incident/collisions), loss/damage of equipment, use of force, pursuits, or discrimination and harassment.

Investigations of **Complaints** can result in one of six findings:

- **Proven:** There exists, by a preponderance of the evidence, sufficient proof to find the accused employee committed the violation
- **Undetermined:** There is insufficient evidence to provide or disprove the allegation
- **Unfounded:** There exists sufficient evidence to conclude that the accused employee did not commit the allegation.
- **Exonerated:** There is sufficient evidence to find that the accused employee committed the act they were accused of, but that the employee's actions were consistent with policy and training.
- **Unintentional Error:** This would be a Minor allegation where there is sufficient evidence to support the claim, as well as equal evidence which shows the act was purely inadvertent.
- **Departmental Error:** The investigation indicates the complain is against the actions of an employee who was following agency policy or procedures which were in error. The employee was in compliance with those policies or procedures and is therefore not personally at fault. As a result, the error in policy would have to be corrected.

Fleet (Incidents/Collisions)

Fleet investigations occur when an agency vehicle is damaged as a result of an incident or collision. Findings are either *policy violation*, fault of the employee; or *no policy violation*, not the fault of the employee

Incident – damage done to an agency vehicle by natural disaster, damage by road hazard, non-collision push bar damage (either vehicle), prisoners, non-collision dents/scratches by a known or unknown source, vandalism.

Loss/Damage to Equipment

Similar to fleet investigations, the findings under loss of equipment are either *policy violation* or *no policy violation*.



APPENDIX

Pursuits

A pursuit, as defined by the WSP Regulation Manual, is “*An attempt by a uniformed (commissioned officer) in an officially marked patrol vehicle to stop a moving vehicle where the driver of such vehicle...is resisting to stop.*” Pursuits are found to be either *authorized* or *unauthorized*.

Settlement Agreements

This is an efficiency tool that streamlines the agency’s administrative process; often allowing g an accused employee to acknowledge their mistake(s) early on and work toward an appropriate an agreed upon discipline.

Standards Officer

The OPS Commander is the OPS Captain and who has oversight authority on all administrative investigations.

Use of Force

These are circumstances where an employee used physical force to detain or arrest a suspect. Use of force covers everything from placing hands on a person up to and including the use of a firearm. Use of force cases are found to be either *authorized* or *unauthorized*.



USE OF FORCE - ADDENDUM

The Washington State Patrol consistently reviews all use of force incidents for the benefit of the public and our employees. Use of force is defined as *"Power dynamically considered, that is, in motion or in action; constraining power, compulsion; strength directed at an end. Force may be applied through the use of a person's body, weapons, equipment, and/or other instruments."* Only reasonable force to lawfully perform an officer's duties shall be used.

Reportable uses of force include:

- Physical take-downs, leg sweeps, or any technique which forcibly requires the subject to end up on the ground from means other than his/her own.
- Restraint Strap, if used to overcome combative resistance or aggression.
- Use of OC-10.
- Use of the Taser.
- Striking with hand/fist or foot.
- Any use of an impact tool, whether designed for that function or not.
- Neck restraint hold.
- Any action that results in a complaint of injury and/or any form of visible injury to a subject.
- Use of the Pursuit Immobilization Technique at 40 miles per hour or higher.
- Use of a vehicle in an act of intentional intervention.
- Use of any firearm, including unintentional discharge.

When a use of force incident occurs, the supervisor investigates the incident and documents their findings in the Use of Force electronic FLUP. The completed FLUP is forwarded through the District/Division chain of command for review and approval. Any potential policy violations result in an Internal Incident Report, prompting an administrative investigation. If no policy violations are identified, the FLUP is forwarded to OPS where two additional reviews are completed before the case is closed. The WSP Criminal Investigation Division (CID) oversees investigations involving a lethal Use of Force, and /or force used which may involve criminal conduct.

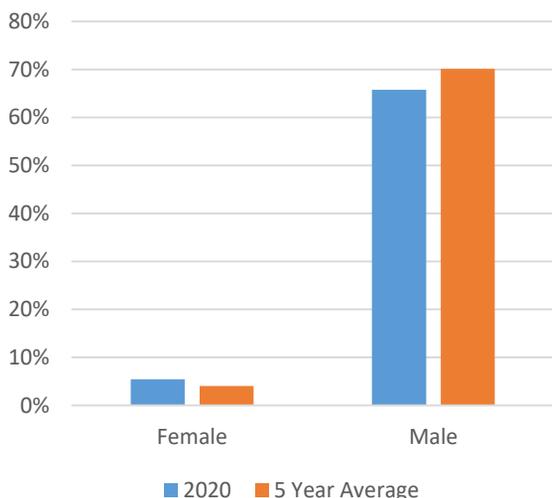
In 2020, WSP Troopers used force to gain compliance during 236 arrests, which is a 20% increase compared to 2019, when there were 196 arrests with force applied, but was 10% below the average of 261 during the previous five years. Self-initiated contacts and call for service accounted for over 80% of these uses of force.



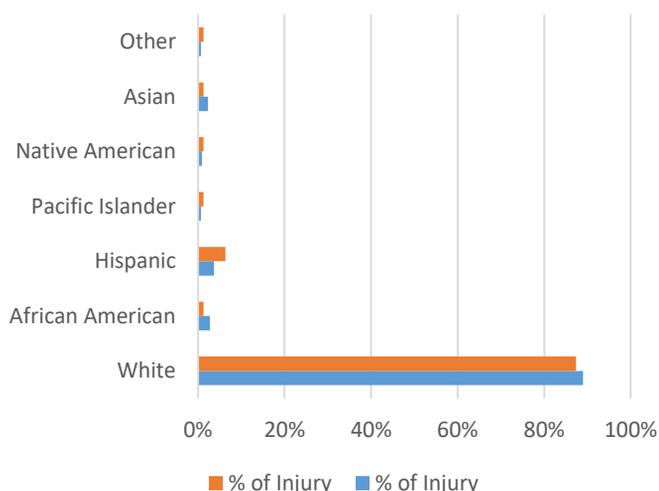
USE OF FORCE - ADDENDUM

In 2020, 77 uses of force resulted in injuries to officers. Over the course of 5 years, the average age of an officer sustaining an injury was 35 years old. Throughout 2020, the average age of an officer sustaining an injury was 33 years old. As more senior officers promote into leadership positions and younger officers enter the workforce, this number will likely continue to trend downwards. Of the reported data, 32 entries, or 28% of the total 111 reported injuries contained no information about gender or race of the officer, this is down from the five year average of 35% of entries with no gender or race data entered. While the percentage of unreported race/gender fell 7% during 2020 from the 5 year average, it represents a significant opportunity for improvement to collect accurate data.

Troopers Injured by Gender



Troopers Injured by Race



A breakdown of the data shows nominal changes in the race of officers suffering injuries as a result of use of force during 2020 as compared with the 5 year average. The gender of officers suffering injuries as a result of a use of force also stayed consistent with 4% of those reporting injuries being female and 70% being male. This is a 1% decrease for females and a 5% increase for males. The remaining 26% of injuries recorded in the database have no gender or race data attached to them.

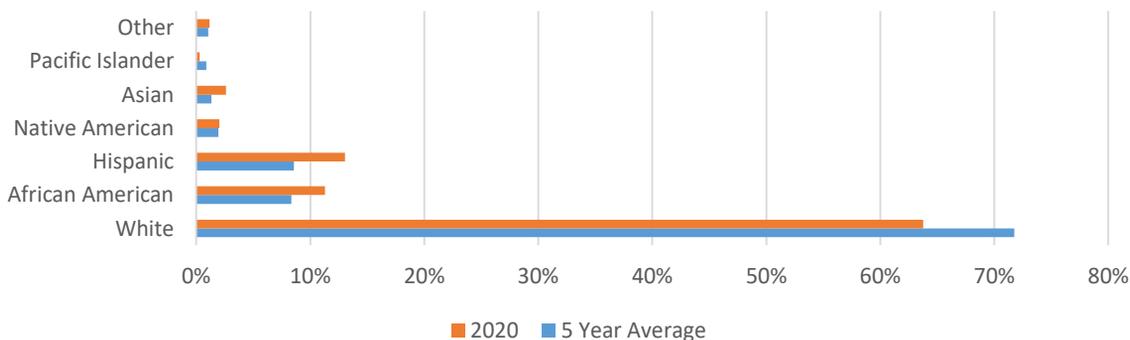


USE OF FORCE - ADDENDUM

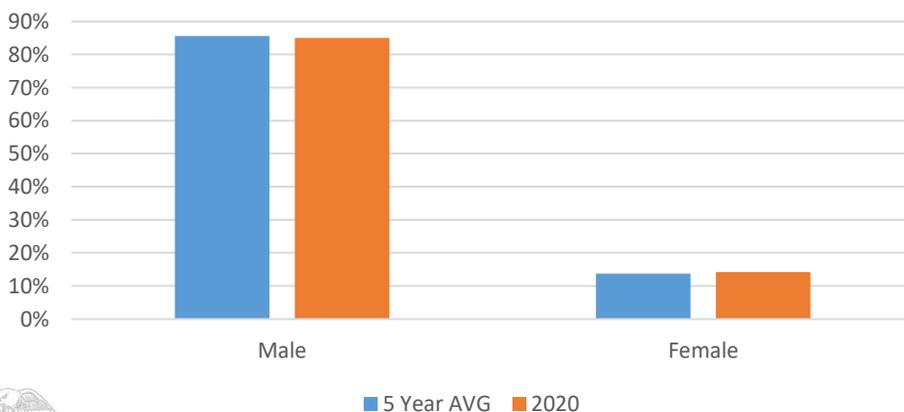
Over the course of 5 years, the average age of a subject reporting an injury during a use of force incident was 36 years old. This number went down to 35 years old during the year 2020, which indicates the age of suspects injured during a use of force is trending downwards. Six uses of force resulted in non-fatal injuries to subjects. Three of the six injuries were sustained by white males, and the other three were sustained by females. One use of force resulted in a fatal injury to a white male subject. White subjects sustained 8% fewer injuries from a use of force incident in 2020 over the 5 year average. Hispanic, and Black suspects reported an increase in injury from a use of force incident by 4.5% and 3% respectively. For all other racial categories the change in demographics reporting an injury remained within a 1% deviation of the results of the previous 5 years.

For gender there was a nominal change with a 0.5% decrease in use of force injuries reported by men and a 0.5% increase in use of force injuries reported by women. 94% of use of force cases had identifiable race information and 95% of cases had gender information provided. The high reporting measures indicate consistent and thorough reporting of subject demographics by officers following a use of force incident.

Race of Subject Reporting an Injury During a Use of Force

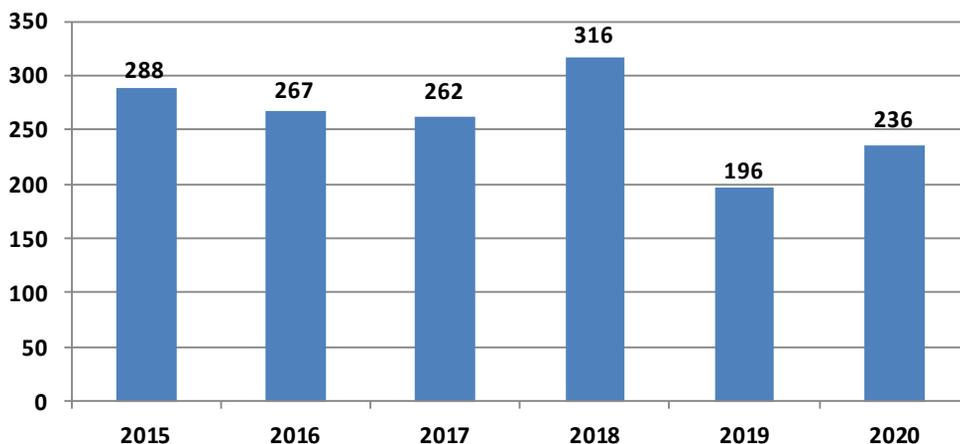


Gender of Subject Reporting an Injury During a Use of Force



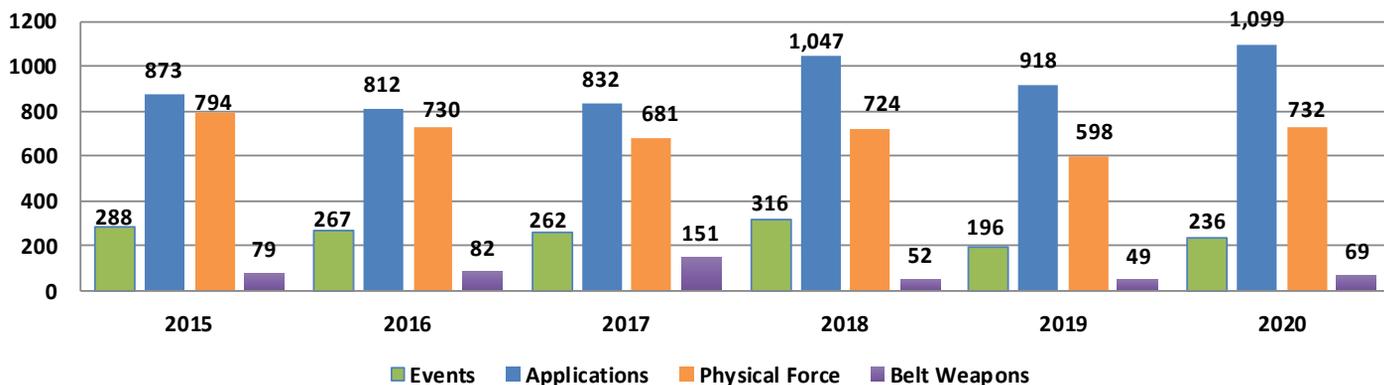
USE OF FORCE - ADDENDUM

Use of Force - Arrests



One event may involve multiple officers and/or multiple applications of force, such as a Taser application, followed by joint manipulation and handcuffing. When multiple officers are involved, the actions of each officer and each application of force are reviewed for compliance with policy, procedure and training.

Use of Force - Breakdown



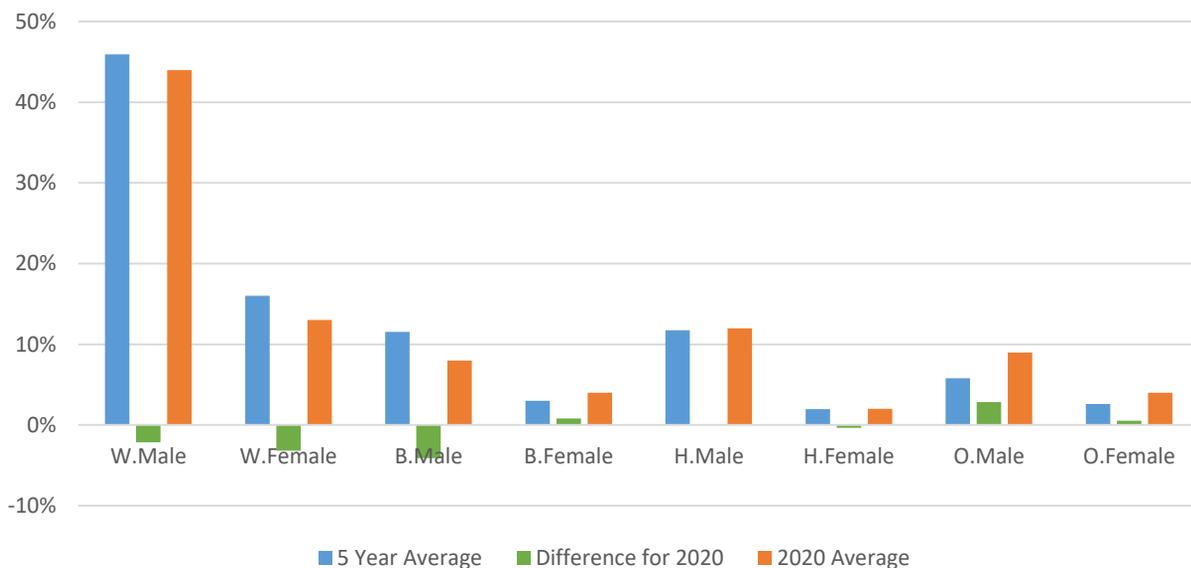
The “Physical Force” line applies to the application of bodily force to gain compliance, which includes the use of handcuffs/restraints *only* when a complaint of injury is made by the subject. The “Belt Weapons” line accounts for every other tool available to the officer, such as the ASP, Taser, flashlight and OC spray.



USE OF FORCE - ADDENDUM

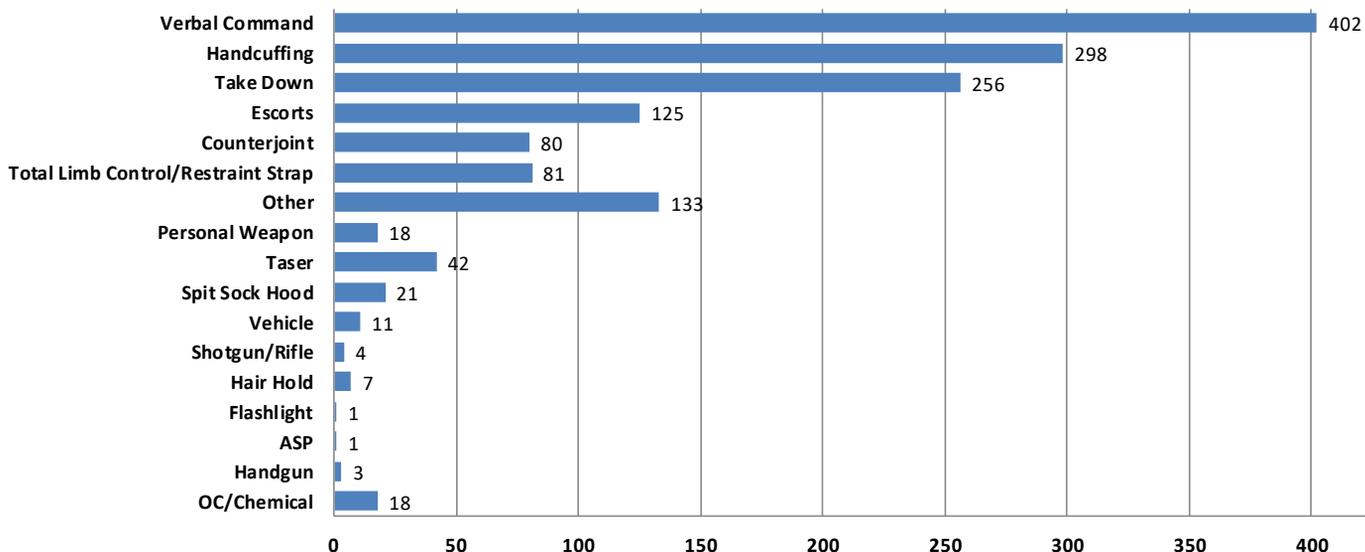
The 1,099 uses of force in 2020 is an 18% increase over the 5 year average, and a 20% increase compared to 2019 when there were 918 uses of force. As shown below in the graph this represents a 2% decrease in use of force incidents for White Males, a 3% decrease in use of force incidents for White Females, a 4% reduction in use of force incidents for Black Males, a 1% increase in use of force incidents for Black Females, no difference in use of force incidents for Hispanic Males, no difference in use of force incidents for Hispanic Females, a 3% increase in use of force incidents for Other Males, and a 1% increase in use of force incidents for Other Females over a 5 year average. There were nominal changes in the demographics that use of force incidents are applied to as they remained relatively consistent with the 5 year average. Over 50% of the uses of force occurred in January, February, March, and September. Approximately 62% occurred between 4:00 p.m. and 4:00 a.m. Of the arrests with force applied, 67% involved only physical force, while 6% involved belt weapons. The remaining 27% is undefined and the result of improper and/or inaccurate coding. The coding process, to include available options when completing a FLUP, will be evaluated to identify opportunities for improvement.

Race Of Subject Involved in a Use of Force



USE OF FORCE - ADDENDUM

2020 Use of Force Tools Deployed



There were four less lethal shotgun deployments in 2020, which accounted for the shotgun/rifle applications indicated above. All four deployments involved non-compliant individuals. One occurred following a pursuit, two involved an individual who refused to comply to the troopers verbal commands, and one occurred in conjunction with the use of lethal force by an allied law enforcement agency.

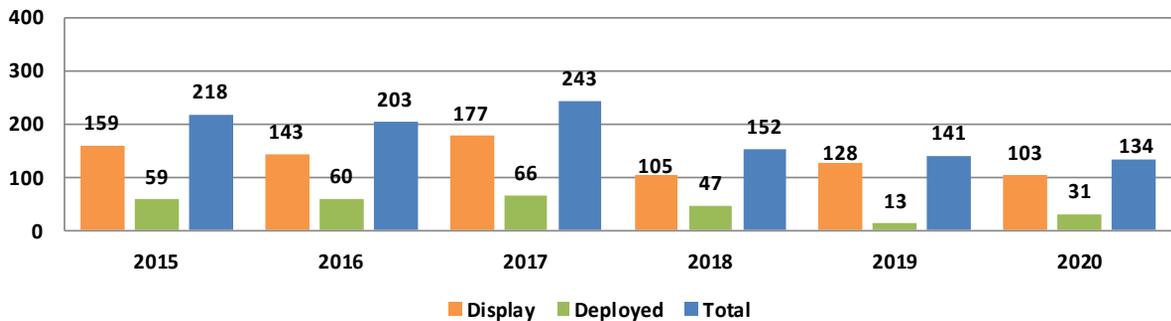
Commissioned officers participate in Crisis Intervention Training (CIT), which educates them on tools and resources available to them when responding to individuals experiencing emotional, mental, physical, behavioral, or chemical dependency crisis, distress, or other problems. CIT is designed to increase the safety of both law enforcement and individuals in crisis by helping Troopers identify individuals suffering from mental issues. The CIT training helps Troopers identify appropriate less lethal uses of force such as verbal commands, and total limb control before the situation escalates. WSP is nearing 100% compliance with the training requirement.



USE OF FORCE - ADDENDUM

In 2020, the most commonly used methods of physical force applied were take downs, escorts, counterjoints and total limb control. The most commonly used belt weapon was the Taser. In 2020, Taser probe deployment increased 56% compared to 2019, when there were 31 deployments. Taser display decreased 20% to 103 displays in 2020 compared to 128 Taser displays in 2019. Taser display was an effective means of gaining compliance 77% of the time.

Taser



In 2020, all uses of force involving a Taser application on a fleeing subject were authorized. Unauthorized uses of force result in discipline, training with the employee, and a review of the training curriculum. Training is guided by Graham vs. Connor and emphasizes the importance of considering the totality of the circumstances before deploying the Taser. It was determined no training revisions were required as all Taser applications on fleeing subjects were authorized and deployed appropriately.

